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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,123	01/15/2002	William Kress Bodin	AUS920010779US1	8995
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INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469				
			EXAMINER LEZAK, ARRIENNE M	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/047,123

Applicant(s)

BODIN, WILLIAM KRESS

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

Examiner notes that no Claims have been amended, cancelled or added. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 25 April 2005 as reiterated herein below.

### ***Claim Rejections - 35 USC § 112***

1. Claims 9, 10, 21, 22, 33, 34, 45 & 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, Examiner finds the wording "in near real time" to be indefinite. Proper amendment of the same is required. For purposes of Examination, "in near real time" will be interpreted to mean "immediately". Examiner is not persuaded by Applicant's remarks and further notes that the terminology "almost immediately" and "promptly", as noted within the specification, is also indefinite. Moreover, Examiner finds that within a computer, actions take place at a level unperceivable to a human being, and as such, time must be clearly defined. Thus, Examiner requires removal of the "in near real time" language, again interpreting the same to mean "immediately". Additionally, Examiner notes a typo in the specification, (p. 21, line 26), as the word "even" is likely meant to read "event".

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,584,493 B1 to Butler in view of US Patent US 6,721,740 B1 to Skinner.

4. Regarding Claims 1, 13, 25 & 37, Butler discloses a method, system and computer program product for ad hoc data sharing, (Abstract; Figs 2a-c; Col. 4, lines 29-67; Cols. 5-6; Col. 7, lines 1-21; Col. 10, lines 5-59), comprising:

- each user has a client device, (Figs 2a-c);
- at least two of the client devices are (wirelessly) coupled for data communications to at least one computer, (Col. 6, lines 22-35), (Examiner notes that Butler teaches clients "remote" from the host, which clients could obviously be wireless, however; Examiner cites Skinner below for additional clarification);
- receiving from client devices digital asset records representing digital assets, (application(s)), (Col. 5, lines 39-49);
- displaying the retrieved digital assets, (Fig. 1; Col. 8, lines 48-50; Col. 10, lines 5-45); and

- editing one or more of the retrieved digital assets, (Col. 5, lines 39-49 & Col. 10, lines 5-45), (Examiner notes that a collaboration process obviously include some form of editing functionality).

5. Though Butler specifically teaches a multiparty conferencing and collaboration system, obviously capable of being implemented on a Unix operating system, (and moreover, implemented on a Microsoft system, which system also obviously incorporates a permissions functionality – particularly for control of shared applications – (Abstract)), Butler does not specifically enumerate the use of permissions within a database format. Though, again Examiner finds that the use of a database format within a conferencing/collaboration structure is obvious for proper tracking and distribution of information, particularly sensitive information requiring special access privileges.

6. That noted, Examiner cites Skinner which provides a relational database server in conjunction with a permission functionality, (Skinner - Col.16, lines 66-67; Col. 17, lines 1-28; & Col. 18, lines 45-48), wherein at least one user record is obviously created representing a user granted access to digital assets, wherein each user record obviously composes a user access privilege field identifying for each user that user's user access privilege for access to digital assets; at least one asset access permission field identifying a digital asset's asset access permission, each distal asset record comprising: a location field identifying the location of a digital asset; retrieving digital assets in dependence upon the location fields in the digital asset records; and wherein the editing is carried out in dependence upon user access privilege and in dependence

upon asset access permission, (as the ability to edit is obviously based on the ability to access).

7. It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the permission and database functionalities of Skinner within the Butler structure as noted within Skinner which teaches enterprise applications, (Butler), wherein multiple users may each access the application and the enterprise data at the same time as well as see the effects of the modifications, (edits), immediately, (Skinner - Col. 1, lines 47-64). Thus, given a collaboration/conferencing system with an access control functionality, (Butler – Col. 22, lines 58-60), such as that of Butler, it would be obvious to organize, control and allow access to data in a reliable efficient manner, thus avoiding unauthorized conference or collaboration participant access to sensitive material. In other words, within a conferencing/collaboration structure, it would have been obvious, (and necessary) to organize both user and data access privileges and locations within a database comprising multiple “records”, one for each user and piece of data, such that collaborating/conferencing concerning the same could be easily organized and executed. Additionally, Examiner notes that Skinner teaches an active update notification for updating interested clients and/or servers, (Skinner – Abstract), and which updating functionality would obviously be needed within a collaboration system, such as that of Butler, for purposes of providing all collaborating parties to the most current and up-to-date information.

8. Further, as noted herein above, Butler teaches “remote” clients, however; Butler does not specifically teach “wireless” clients. Skinner specifically teaches a Remote

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Method Invocation, (Col. 2, lines 34-39 & Col. 16, lines 38-45), wherein wireless network communication is also possible, (Col. 4, lines 52-67). Thus, Claims 1, 13, 25 & 37 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

9. Regarding Claims 2, 14, 26 & 38, Butler in view of Skinner is relied upon for those teachings noted herein. As noted above, Skinner teaches a relational database management system, (Col. 17, lines 14-28 & Col. 18, lines 45-48), wherein inclusion of a specific group table, associated group/user record(s), group access privilege field, (identifying access privileges for users represented by the related user records), and a foreign key field, (identifying a one-to-many relationship between the group table and one or more related user records in the user table) would have been obvious as part of the well-known structure of a relational database, (i.e.: MS Access), and further for purposes of identifying user/members with access to specific data, as noted herein above. Thus, Claims 2, 14, 26 & 38 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

10. Regarding Claims 3, 15, 27 & 39, Butler in view of Skinner is relied upon for those teachings noted herein. As noted above, Skinner teaches privileges, which privileges are well-known in the art to include read, write and execute functionalities. Additionally, Examiner notes Applicants admission of the same with regard to the well-known Unix operating system, (specification, p. 19, lines 9-15). Thus, Claims 3, 15, 27 & 39 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

11. Regarding Claims 4-6, 11, 16-18, 23, 28-30, 35, 40-42 & 47, Butler in view of Skinner is relied upon for those teachings noted herein. As noted above, Skinner teaches client devices wirelessly coupled for data communications to the computer through a service gateway, (per pending Claims 4, 11, 16, 23, 28, 35, 40 & 47), through a Bluetooth piconet, (per pending Claims 5, 7, 29 & 41), or 802.11(b) connection, (per pending Claim 6, 18, 30 & 42). Examiner notes that wireless communication obviously includes Bluetooth piconet and 802.11(b) connection(s), as the same are well-known types of wireless connections. Thus, Claims 4-6, 11, 16-18, 23, 28-30, 35, 40-42 & 47 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

12. Regarding Claims 7, 8, 19, 20, 31, 32, 43 & 44, Butler in view of Skinner is relied upon for those teachings noted herein. Additionally, Butler teaches a unique controller ID, (Col. 22, lines 58-60), which ID is used to identify the user and would obviously include a password for user verification purposes, (per pending Claims 7, 19, 31 & 43). Moreover, as noted above, Skinner and Butler both teach manipulation of data by multiple users, wherein each digital asset record would obviously comprise a digital asset identification field, an owner identification field, and an asset relationship field identifying relationships among digital assets for purposes of identifying the proper digital asset in addition to proper permissions to access the same, (per pending Claims 8, 20, 32 & 44). Thus, Claims 7, 8, 19, 20, 31, 32, 43 & 44 are found to be unpatentable over the combined teachings of Butler in view of Skinner.



13. Regarding Claims 9, 10, 21, 22, 33, 34, 45 & 46, Butler in view of Skinner is relied upon for those teachings noted herein. Additionally, as noted herein, Skinner teaches changing permissions, which changing obviously, (if not inherently), includes:

receiving from a first client device a first digital asset record representing a first digital asset, the first digital asset record comprising a first asset access permission field identifying a first asset access permission;

and receiving from the first client device a second digital asset record representing the first digital asset, the second digital asset record composing the first asset access permission field identifying a second asset access permission;

replacing, promptly after receiving the second digital asset record, the first digital asset record with the second digital asset record;

whereby the asset access permission for the digital asset is changed (immediately) from the first asset access permission to the second asset access permission. Thus, Claims 9, 10, 21, 22, 33, 34, 45 & 46 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

14. Regarding Claims 12, 24, 36 & 48, Butler in view of Skinner is relied upon for those teachings noted herein. Additionally, as noted herein, Skinner teaches a relational database management system, which system would obviously include the steps of creating a user group table and receiving digital asset records are carried out upon a (staging) computer and the steps of retrieving, displaying, and editing are carried out upon a (project) computer, the method comprising the further step of displaying on at least one computer display device of the staging computer the retrieved digital assets

in their unedited form. Examiner notes that using separate computers for database creating and viewing would be obvious in a database management system which often includes an administrator, (server), for creation of the database, and a client for viewing the same. Moreover, Examiner notes that in creating the database, it is obviously necessary to be able to view the same in its unedited form for purposes of information verification. Thus, Claims 12, 24, 36 & 48 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

15. Regarding Claims 49 & 50, Butler in view of Skinner is relied upon for those teachings noted herein. Additionally, as noted herein, Butler discloses computer display devices, (Fig.1), which devices obviously comprise projectors and projection screens, (per pending Claim 49), and video displays, (per pending Claim 50). Thus, Claims 49 & 50 are found to be unpatentable over the combined teachings of Butler in view of Skinner.

### ***Response to Arguments***

16. Applicant's arguments filed 25 July 2005, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

17. Regarding Applicant's argument that Butler does not teach, "each user has a client device", Examiner respectfully disagrees noting that Butler clearly teaches a

multiparty conferencing and collaboration system which incorporates monitors or other types of display devices, (Fig. 1 & Col. 8, lines 53-65).

18. Regarding Applicant's argument that Butler does not teach, "receiving from client devices digital asset records representing digital assets" and "displaying the retrieved digital assets", Examiner respectfully disagrees noting that Butler clearly teaches a collaboration model for application, (digital asset) sharing and display, (Col. 9, lines 53-67 & Col. 10, lines 1-44), in addition to monitoring/display devices, (Fig. 1 & Col. 8, lines 53-65).

19. Regarding Applicant's argument that Butler does not teach, "editing one or more of the retrieved digital assets", Examiner respectfully disagrees noting again that Butler clearly teaches a collaboration system based on the NetMeeting® 3.0 software, which software is well-known in the art to include an editing functionality, (as noted within Newton's Telecom Dictionary, 18<sup>th</sup> Ed., Newton, Harry, CMP Books, Feb. 2002, p.502).

20. Regarding Applicant's argument that Skinner does not teach claim limitations specifically enumerating user record creation and asset access permissions, Examiner respectfully disagrees noting that Skinner clearly discloses a database with access permissions, wherein Applicant's specifically enumerated claim limitations would have been obvious as noted herein above.

21. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, proper motivation to combine is noted herein above.

22. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

23. In response to applicant's argument that Butler and Skinner are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Examiner notes that it is the combination of the Butler and Skinner references which render Applicant's claimed invention unpatentable. Additionally, Examiner disagrees that the Butler and Skinner art would not be combinable reminding Applicant that it is a feature of the Skinner reference incorporated into the Butler reference which renders Applicant's claimed invention unpatentable.

24. Examiner has addressed Applicant's Amendment, and has further rejected all claims, as noted herein above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

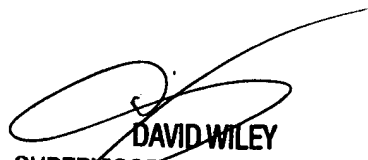
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

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